

23208

Bavarian Nordic

## PATENT COOPERATION TREATY

Rec.date: 05. Juli 2004

PCT

Respons..

## INTERNATIONAL SEARCH REPORT

DUE: .....

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference BN 52 PCT	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/EP 03/12610	International filing date (day/month/year) 12/11/2003	(Earliest) Priority Date (day/month/year) 25/11/2002
Applicant  BAVARIAN NORDIC A/S		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☒ contained in the international application in written form.

☒ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☒ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

1

☐ None of the figures.

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 03/12610

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C12N15/863 A61K39/275 A61K39/285 C12N5/10

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C12N A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, BIOSIS, EMBASE

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	HOWLEY P M ET AL: "A vaccinia virus transfer vector using a GUS reporter gene inserted into the I4L locus" GENE, ELSEVIER BIOMEDICAL PRESS. AMSTERDAM, NL, vol. 172, no. 2, 26 June 1996 (1996-06-26), pages 233-237, XP004042743 ISSN: 0378-1119 cited in the application figure 2 page 237 ----- -/--	1,3-19



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

## \* Special categories of cited documents:

\*A\* document defining the general state of the art which is not considered to be of particular relevance

\*E\* earlier document but published on or after the international filing date

\*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

\*O\* document referring to an oral disclosure, use, exhibition or other means

\*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*G\* document member of the same patent family

Date of the actual completion of the international search

21 June 2004

Date of mailing of the international search report

05/07/2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Brouns, G

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 03/12610

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	<p>HAENGGI M ET AL: "CONSERVED TAAAT MOTIF IN VACCINIA VIRUS LATE PROMOTERS OVERLAPPING TATA BOX AND SITE OF TRANSCRIPTION INITIATION"</p> <p>EMBO (EUROPEAN MOLECULAR BIOLOGY ORGANIZATION) JOURNAL, vol. 5, no. 5, 1986, pages 1071-1076, XP008031898 ISSN: 0261-4189 table 1 page 1075, right-hand column, paragraph 1</p>	1,3-19
Y	<p>LI Y ET AL: "High-level expression of Amsacta moorei entomopoxvirus spheroidin depends on sequences within the gene"</p> <p>JOURNAL OF GENERAL VIROLOGY, vol. 79, no. 3, March 1998 (1998-03), pages 613-622, XP002285128 ISSN: 0022-1317 figures 2,3,5b</p>	1,3-19
Y	<p>BOYLE D B ET AL: "CONSTRUCTION OF RECOMBINANT FOWLPOX VIRUSES AS VECTORS FOR POULTRY VACCINES"</p> <p>VIRUS RESEARCH, AMSTERDAM, NL, vol. 10, no. 4, June 1998 (1998-06), pages 343-356, XP001095176 ISSN: 0168-1702 figures 2,3,5 page 354, last paragraph - page 355</p>	1,3-19
Y	<p>WO 97/02355 A (SUTTER GERD ; ERFLE VOLKER (DE); OHLMANN MARION (DE); GSF FORSCHUNGSZE) 23 January 1997 (1997-01-23) figures 3,4</p>	1,3-19
A	<p>WO 02/18585 A (KOVACS GERALD R ; KOWALSKI JACEK (US); VASILAKIS NIKOS (US); ZAMB TIMO) 7 March 2002 (2002-03-07) figures 3,4,8,20</p>	1-19

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/EP 03/12610

## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:  
  
Although claims 14, 16 and 17 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☐ Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 03/12610

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9702355	A	23-01-1997	AT 239796 T	15-05-2003
			AU 721735 B2	13-07-2000
			AU 6611096 A	05-02-1997
			BR 9609303 A	25-05-1999
			CA 2225278 A1	23-01-1997
			CZ 9704241 A3	18-03-1998
			DE 69628011 D1	12-06-2003
			DE 69628011 T2	18-03-2004
			DK 836648 T3	25-08-2003
			EE 9700344 A	15-06-1998
			EE 200300331 A	15-10-2003
			EE 200300332 A	15-10-2003
			WO 9702355 A1	23-01-1997
			EP 1312678 A1	21-05-2003
			EP 1312679 A1	21-05-2003
			EP 0836648 A1	22-04-1998
			ES 2199294 T3	16-02-2004
			HU 9802217 A2	28-01-1999
			JP 11509091 T	17-08-1999
			NO 980026 A	02-01-1998
			NZ 313597 A	28-01-1999
			PL 324347 A1	25-05-1998
			PT 836648 T	30-09-2003
			RU 2198217 C2	10-02-2003
			SI 836648 T1	31-12-2003
			US 6440422 B1	27-08-2002
			US 2003035792 A1	20-02-2003
WO 0218585	A	07-03-2002	AU 9322201 A	13-03-2002
			CA 2424052 A1	07-03-2002
			CN 1471583 T	28-01-2004
			EP 1326990 A2	16-07-2003
			JP 2004507249 T	11-03-2004
			WO 0218585 A2	07-03-2002
			US 2002045004 A1	18-04-2002